



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Four Rivers Field Office *and*  
Morley Nelson Snake River Birds of Prey  
National Conservation Area  
3948 Development Avenue  
Boise, Idaho 83705-5339



SLICKSPOT PEPPERGRASS ECOLOGICAL REFERENCE AREAS (PHASE 2)  
CX No: DOI-BLM-ID-B010-2015-0001-CX

### Decision Record

**Background:** The 2014 Slickspot Peppergrass Conservation Agreement between the Bureau of Land Management (BLM) and U.S. Fish and Wildlife Service (USFWS) requires the BLM to: “Establish permanent ecological reference areas (ERAs) in selected element occurrences (EOs) to evaluate land health conditions associated with slickspot peppergrass.”

**Decision and Rationale:** I have decided to authorize the construction of up to 7.3 miles of fencing to create up to seven exclosures. The exclosures would range in size from 66 to 400 acres. Fencing would be built to wildlife specifications. Vehicle trips and vegetation removal would be minimized.

My decision will allow for needed research on the role that livestock and off-highway vehicles can play in slickspot peppergrass management. Exclosures are an effective method of eliminating livestock and OHV access to important resources such as slickspot peppergrass, a species proposed for listing under the Endangered Species Act. While there could be minor impacts to vegetation during construction, vegetation protection measures and fence placement should minimize short and long term effects to native plants and would provide long-term protection for up to 979 acres of slickspot peppergrass element occurrences and supporting pollinator (occupied) habitat. Potential impacts to wildlife would be minimized by constructing fencing to wildlife specifications. The exclosure sizes, relative to the allotments they occur in, would cause negligible to minor reductions in available forage, but would not affect overall preference.

I have reviewed CX DOI-BLM-ID-B010-2015-0001 and found no extraordinary circumstances apply to this proposal and there are no significant impacts from these exclosures; therefore, an Environmental Impact Statement is not required.

**Compliance with Applicable Land Use Plans:** This decision is in compliance with the 1987 Jarbidge Resource Management Plan, the 1983 Kuna Management Framework Plan, and the 2008 Snake River Birds of Prey National Conservation Area Resource Management Plan. The plans provide for maintaining or improving vegetation conditions.

### Appeal

This decision may be appealed to the Interior Board of Land Appeals, in accordance with 43 CFR, Part 4. Your appeal must be filed with the Bureau of Land Management at the following address within thirty (30) days from receipt of this decision: *Tate Fischer, Field Manager, Four Rivers Field Office, Boise District Office, 3948 S Development Ave, Boise, ID 83705.*

Decision Record  
DOI-BLM-ID-B010-2015-0001-CX

The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition for a stay of the decision during the time that your appeal is being reviewed by the Board pursuant to 43 CFR 4.21 (as amended at 58 FR 4942, January 19, 1993) , a petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to: *Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA, 22203.*

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

A copy of the appeal documents and petition for stay must be sent to the Office of the Solicitor at the same time the original documents are filed with the above office. The address is *Office of the Solicitor, Boise Field Solicitor's Office, University Plaza, 960 Broadway Ave., Suite 400, Boise, ID, 83706.*

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals; therefore, they will not be accepted.

If you have any questions regarding this decision or your appeal rights, please contact Matthew McCoy, Assistant Field Manager, at 208-384-3343, or e-mail him at [matthewmccoy@blm.gov](mailto:matthewmccoy@blm.gov).

/s/ *Tate Fischer*

10/27/2014

---

Tate Fischer  
Field Manager  
Four Rivers Field Office

Date

/s/ *Patricia Roller*

10/27/2014

---

Patricia Roller  
Field Manager  
Morley Nelson Snake River Birds of Prey  
National Conservation Area

Date